

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)
)
Plaintiff,) **Civil Action No. 3:09-CV-620 (REP)**
)
)
v.)
)
LAWSON SOFTWARE, INC.,)
)
)
)
Defendant.)

**DECLARATION OF JAMES D. CLEMENTS IN SUPPORT OF *ePLUS INC.*'S BRIEF IN
OPPOSITION TO *LAWSON'S* MOTION TO EXCLUDE OPINIONS AND
ARGUMENTS FROM *ePLUS'S* EXPERTS AT THE CONTEMPT HEARING**

I, James D. Clements, declare as follows:

1. I am an associate at Goodwin Procter LLP, counsel for Plaintiff *ePlus Inc.*

("*ePlus*") in this proceeding. I submit this declaration in support of *ePlus's* brief in opposition to Lawson Software, Inc.'s ("Lawson's") motion to exclude opinions and arguments from *ePlus's* experts at the contempt hearing.

2. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently hereto.

3. Attached as Exhibit 1 is a true and accurate copy of excerpts from the transcript of the testimony of Alfred C. Weaver, Ph.D., on January 6 and 7, 2011, during the jury trial held in this matter (Dkt. Nos. 652-659).

4. Attached as Exhibit 2 is a true and accurate copy of excerpts from the transcript of the testimony of Patrick Niemeyer on January 12, 2011, during the jury trial held in this matter (Dkt. Nos. 663-666).

5. Attached as Exhibit 3 is a true and accurate copy of excerpts from the confidential Initial Expert Report of Patrick Niemeyer Concerning Defendant's Contempt of the Court's Permanent Injunction dated January 13, 2012 (filed under seal).

6. Attached as Exhibit 4 is a true and accurate copy of excerpts from the confidential transcript of the deposition of Todd Dooner, dated December 21, 2011 (filed under seal).

7. Attached as Exhibit 5 is a true and accurate copy of excerpts from the transcript of the testimony of Dale A. Christopherson on January 11, 2011, during the jury trial held in this matter (Dkt. Nos. 660-662).

8. Attached as Exhibit 6 is a true and accurate copy of confidential Plaintiff's Exhibit PX-105 from the jury trial held in this matter, entitled "Lawson's Procurement Punchout Trading Partner List" (filed under seal).

9. Attached as Exhibit 7 is a true and accurate copy of confidential Plaintiff's Exhibit PX-296 from the jury trial held in this matter, entitled "Lawson / GHX Briefing" (filed under seal).

10. Attached as Exhibit 8 is a true and accurate copy of excerpts from the transcript of the testimony of Keith D. Lohkamp on January 11, 2011, during the jury trial held in this matter (Dkt. Nos. 660-662).

11. Attached as Exhibit 9 is a true and accurate copy of excerpts from the transcript of the testimony of William Yuhasz on January 13, 2011, during the jury trial held in this matter (Dkt. Nos. 667-670).

12. Attached as Exhibit 10 is a true and accurate copy of confidential Plaintiff's Exhibit PX-337 from the jury trial held in this matter, entitled "Lawson/SciQuest Procure-to-Pay (P2P) Solutions Overview for Novant Health" (filed under seal).

13. Attached as Exhibit 11 is a true and accurate copy of confidential Plaintiff's Exhibit PX-336 from the jury trial held in this matter, entitled "Response to Request for Proposal, Novant Health, Procure to Pay System" (filed under seal).

14. Attached as Exhibit 12 is a true and accurate copy of Plaintiff's Exhibit PX-1 from the jury trial held in this matter, U.S. Patent No. 6,023,683.

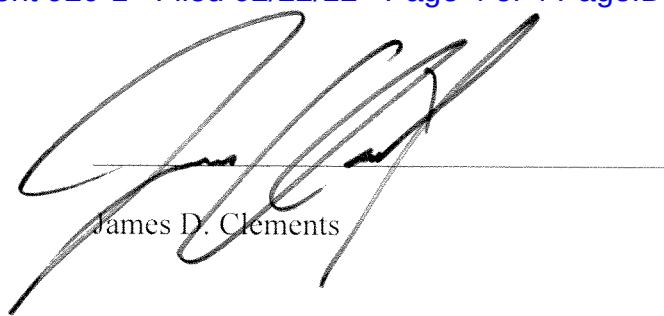
15. Attached as Exhibit 13 is a true and accurate copy of excerpts from the confidential transcript of the deposition of Alfred C. Weaver, Ph.D., dated February 9, 2012 (filed under seal).

16. Attached as Exhibit 14 is a true and accurate copy of excerpts from the confidential Initial Expert Report of Alfred C. Weaver, Ph.D. Concerning Defendant's Contempt of the Court's Permanent Injunction dated January 13, 2012 (filed under seal).

17. Attached as Exhibit 15 is a true and accurate copy of excerpts from the confidential Reply Expert Report of Alfred C. Weaver, Ph.D. Concerning Defendant's Contempt of the Court's Permanent Injunction dated January 27, 2012 (filed under seal).

18. Attached as Exhibit 16 is a true and accurate copy of excerpts from the confidential transcript of the deposition of Benjamin F. Goldberg, Ph.D., dated February 2, 2012 (filed under seal).

I declare under penalty of perjury that the foregoing is true and correct. Executed at Boston, Massachusetts, this 22nd day of February, 2012.



A handwritten signature in black ink, appearing to read "J. D. Clements". Below the signature, the name "James D. Clements" is printed in a smaller, standard font.